UNITED STATES DISTRICT COURT	EASTERN DISTRICT OF TEXAS
JAMIE HAWLEY,	
Plaintiff,	§ § &
versus	§ CIVIL ACTION NO. 1:21-CV-479
RAY M. MOORE, et al.,	8 8 9
Defendants.	§ §

## MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jamie Hawley, proceeding *pro se*, filed the above-styled lawsuit against Ray M. Moore Floyd, A. Landrey and Ethan L. Shaw. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge regarding this case. The magistrate judge recommends dismissing this case for failure to state a claim upon which relief may be granted. The recommendation was based on the conclusion that plaintiff's claim was barred by the applicable statute of limitations.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

In his complaint, plaintiff alleged that in 1990 the defendants stole his share of an insurance settlement. As Texas law provides for a two-year limitations period for a civil cause of action for theft, the magistrate judge concluded that as plaintiff was complaining of events which occurred more than 30 years ago, his claim was barred by the statute of limitations.

In his objections, plaintiff states the settlement did not actually take place until 2014-2015. Even if that is the case, plaintiff did not file this lawsuit until approximately six years later. As a result, plaintiff's claim is barred by limitations.

## **ORDER**

Accordingly, the objections filed by plaintiff in this matter are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 25th day of May, 2022.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE